# Customs Bulletin

Regulations, Rulings, Decisions, and Notices concerning Customs and related matters



# and Decisions

of the United States Court of Appeals for the Federal Circuit and the United States Court of International Trade

Vol. 20

MAY 28, 1986

No. 21

This issue contains:
U.S. Customs Service
T.D. 86-96 Through 86-105
General Notices

THE DEPARTMENT OF THE TREASURY
U.S. Customs Service

#### NOTICE

The abstracts, rulings, and notices which are issued weekly by the U.S. Customs Service are subject to correction for typographical or other printing errors. Users may notify the U.S. Customs Service, Office of Logistics Management, Printing and Distribution Branch, Washington, D.C. 20229, of any such errors in order that corrections may be made before the bound volumes are published.

## U.S. Customs Service

## Treasury Decisions

(T.D. 86-96)

Foreign Currencies—Daily Rates for Countries Not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates for exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Greece drachma:	
April 1, 1986	\$0.006899
April 2, 1986	.006821
April 3, 1986	.006775
April 4, 1986	.006752
Israel shekel:	
April 1-4, 1986	N/A
South Korea won:	
April 1-2, 1986	.001127
April 3, 1986	.001126
April 4, 1986	.001125
Taiwan N.T. dollar:	
April 1, 1986	.025760
April 2, 1986	.025767
April 3, 1986	.025773
April 4, 1986	.025780

(LIQ-03-01 S:COM CIE) Dated: April 4, 1986.

ANGELA DEGAETANO,
Chief,
Customs Information Exchange.

#### (T.D. 86-97)

Foreign Currencies—Daily Rates for Countries Not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates for exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Greece drachma:	
April 7, 1986	\$0.006656
April 8, 1986	.006873
April 9, 1986	.006878
April 10, 1986	.006878
April 11, 1986	.006964
Israel shekel:	
April 7-11, 1986	N/A
South Korea won:	
April 7, 1986	.001125
April 8, 1986	.001124
April 9-10, 1986	.001125
April 11, 1986	.001126
Taiwan N.T. dollar:	
April 7, 1986	.025786
April 8, 1986	.025793
April 9, 1986	.025800
April 10, 1986	.025813
April 11, 1986	.025826

(LIQ-03-01 S:COM CIE) Dated: April 11, 1986.

Angela DeGaetano, Chief, Customs Information Exchange.

(T.D. 86-98)

Foreign Currencies—Daily Rates for Countries Not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below.

The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Greece drachma:	
April 14, 1986	\$0.006911
April 15, 1986	.006911
April 16, 1986	.007052
April 17, 1986	.007130
April 18, 1986	.007163
Israel shekel:	
April 14-18, 1986	N/A
South Korea won:	
April 14, 1986	.001126
April 15–16, 1986	.001125
April 17–18, 1986	.001126
Taiwan N.T. dollar:	
April 14, 1986	.025853
April 15, 1986	.025860
April 16, 1986	.025867
April 17, 1986	.025880
April 18, 1986	.025887

(LIQ-03-01 S:COM CIE)

Dated: April 18, 1986.

Angela DeGaetano, Chief, Customs Information Exchange.

(T.D. 86-99)

Foreign Currencies—Daily Rates for Countries Not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and other concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Greece drachma:	
April 21, 1986	\$0.007138
April 22, 1986	.007220

April 23, 1986	.007225
April 24, 1986	.007194
April 25, 1986	.007202
Israel shekel:	
April 21-25, 1986	N/A
South Korea won:	
April 21-22, 1986	.001127
April 23-25, 1986	.001128
Taiwan N.T. dollar:	
April 21-25, 1986	.025893

(LIQ-03-01 S:COM CIE)

Dated: April 25, 1986.

Angela DeGaetano, Chief, Customs Information Exchange.

(T.D. 86-100)

Foreign Currencies—Daily Rates for Countries Not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Greece drachma:	
April 28, 1986	\$0.007294
April 29, 1986	.007283
April 30, 1986	.007289
Israel shekel:	
April 28-30, 1986	N/A
South Korea won:	
April 28, 1986	.001127
April 29, 1986	.001128
April 30, 1986	.001127
Taiwan N.T. dollar:	
April 28, 1986	.025900
April 29, 1986	.025907
April 30, 1986	.025913

(LIQ-03-01 S:COM CIE) Dated: April 30, 1986.

> ANGELA DEGAETANO, Chief, Customs Information Exchange.

#### (T.D. 86-101)

#### Foreign Currencies-Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 86–77 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

France franc:	
April 4, 1986	\$0.132100
Ireland pound:	
April 4, 1986	1.2250
Portugal escudo:	
April 4, 1986	.005952

(LIQ-03-01 S:COM CIE) Dated: April 4, 1986.

ANGELA DEGAETANO, Chief, Customs Information Exchange.

#### (T.D. 86-102)

#### Foreign Currencies-Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 86-77 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

France franc:	
April 7, 1986	\$0.131170
Republic of South Africa rand:	
April 8, 1986	.49100
April 11, 1986	.49390

(LIQ-03-01 S:COM CIE)
Dated: April 11, 1986.

ANGELA DEGAETANO, Chief, Customs Information Exchange.

#### (T.D. 86-103)

#### Foreign Currencies-Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 86–77 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Austria schilling:	** ******
April 17, 1986	\$0.063898
April 18, 1986	.064164
Belgium franc:	
April 17, 1986	.022124
April 18, 1986	.022017
Denmark krone:	
April 17, 1986	.122249
April 18, 1986	.121877
Germany deutsche mark:	
April 17, 1986	.450857
April 18, 1986	.450857
Ireland pound:	
April 17, 1986	1.3730
April 18, 1986	1.3712
Italy lira:	
April 17, 1986	.000658
Netherlands guilder:	
April 17, 1986	.399840
April 18, 1986	.399202

.49150
.49900
.50500
.50000
.541419
.538503

(LIG-03-01 S:COM CIE)

Dated: April 18, 1986.

ANGELA DEGAETANO, Chief, Customs Information Exchange.

#### (T.D. 86-104)

#### Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 86–77 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Austria schilling:	
April 21, 1986	\$0.064558
April 22, 1986	.064746
April 23, 1986	.064779
April 24, 1986	.064599
April 25, 1986	.065509
Belgium franc:	
April 21, 1986	.022139
April 22, 1986	.022232
April 23, 1986	.022306
April 24, 1986	.022272
April 25, 1986	.022512
Denmark krone:	
April 21, 1986	.122474
April 22, 1986	.122812
April 23, 1986	.123047
April 24, 1986	.122790

April 25, 1986	.124224
Finland markka:	
April 21, 1986	.200803
April 22, 1986	.200521
April 23, 1986	.201613
Germany Deutsche mark:	
April 21, 1986	.453206
April 22, 1986	.454030
April 23, 1986	.455373
April 24, 1986	.454339
April 25, 1986	.459559
Ireland pound:	.400000
April 21, 1986	1.3775
	1.3775
April 22, 1986	
April 23, 1986	1.3795
April 24, 1986	1.3790
April 25, 1986	1.3990
Italy lira:	
April 21, 1986	.000660
April 22, 1986	.000662
April 23, 1986	.000664
April 24, 1986	.000662
April 25, 1986	.000669
Japan yen:	
April 23, 1986	.005905
April 24, 1986	.005917
April 25, 1986	.005949
Netherlands guilder:	
April 21, 1986	.401365
April 22, 1986	.402091
April 23, 1986	.403470
April 24, 1986	.402576
April 25, 1986	.407166
New Zealand dollar:	
April 21, 1986	.57300
April 22, 1986	.56950
April 23, 1986	.57600
April 24, 1986	.58320
April 25, 1986	.57950
Republic of South Africa rand:	
April 21, 1986	.50000
April 22, 1986	.49900
April 23, 1986	.49500
Spain peseta:	.20000
April 25, 1986	.007189
Switzerland france	.001100
April 21, 1986	.540541
April 22, 1986.	.542005
Aspatt MM, 1000	.042000

April 23, 1986	.544366
April 24, 1986	.543183
April 25, 1986	.550055

(LIQ-03-01 S:COM CIE) Dated: April 25, 1986.

ANGELA DEGAETANO, Chief, Customs Information Exchange.

#### (T.D. 86-105)

#### Foreign Currencies-Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 86–77 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Austria schilling:	
April 28, 1986	\$0.065746
April 29, 1986	.065317
April 30, 1986	.065660
Belgium franc:	
April 28, 1986	.022630
April 29, 1986	.022512
April 30, 1986	.022635
Denmark krone:	
April 28, 1986	.124572
April 29, 1986	.124031
April 30, 1986	.124688
Finland markka:	.121000
April 28, 1986	.202840
April 29, 1986	.202020
April 20, 1986.	.202429
Germany deutsche mark:	.202420
April 28, 1986	.462000
April 29, 1986	.459559
April 29, 1986	.461894
1	.401034
Ireland pound:	1.4030
April 28, 1986	1.4000

April 29, 1986	1.3985
April 30, 1986	1.4044
Italy lira:	2.2022
April 28, 1986	.000672
April 29, 1986	.000669
April 30, 1986	.000671
Japan yen:	
April 28, 1986	.005983
April 29, 1986	.005958
April 30, 1986	.005967
Netherlands guilder:	
April 28, 1986	.409082
April 29, 1986	.407498
April 30, 1986	.409752
New Zealand dollar:	
April 28, 1986	.58450
April 29, 1986	.58370
April 30, 1986	.58430
Norway krone:	
April 28, 1986	.144770
April 29, 1986	.144331
Spain peseta:	
April 28, 1986	.007241
April 29, 1986	.007219
April 30, 1986	.007239
Sweden krona:	
April 28, 1986	.142806
April 30, 1986	.142714
Switzerland franc:	
April 28, 1986	.552944
April 29, 1986	.549300
April 30, 1986	.551572
United Kingdom pound:	
April 28, 1986	1.5550
April 29, 1986	1.5520
April 30, 1986	1.5510
	2.0020

(LIQ-03-01 S:COM CIE)

Dated: April 30, 1986.

Angela DeGaetano, Chief, Customs Information Exchange.

## U.S. Customs Service

### General Notices

Performance Review Boards: Appointment of Members

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This notice announces the appointment of the members of the U.S. Customs Service Performance Review Boards (PRB's) in accordance with 5 U.S.C. 4313(c)(4). The purpose of the PRB's is to review senior executive employees' performance and make recommendations regarding performance and performance awards.

DATE: The Performance Review Boards become effective on May 15, 1986.

FOR FURTHER INFORMATION CONTACT: Jerry L. Padalino, Director, Office of Human Resources, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 1134, Washington, D.C., (202) 377–9205.

SUPPLEMENTARY INFORMATION: There are two Performance Review Boards in the U.S. Customs Service as follows:

1. The Performance Review Board to review Senior Executives rated by the Commissioner and Deputy Commissioner is composed of the following members:

Stephen E. Higgins, Director, Bureau of Alcohol, Tobacco and Firearms:

Mitchell A. Levine, Assistant Commissioner, Comptroller, Financial Management Service;

John W. Mangels, Director, Office of Operations, Department of Treasury:

Larry B. Sheafe, Assistant Director (Investigations), U.S. Secret Service; and

Richard Wassenaar, Assistant Commissioner (Criminal Investigations), Internal Revenue Service.

2. The Performance Review Board to review all other Senior Executives is composed of the following members:

William P. Rosenblatt, Assistant Commissioner, Office of Enforcement, U.S. Customs Service;

William Green, Assistant Commissioner. Office of Internal Affairs, U.S. Customs Service; Eugene H. Mach, Assistant Commissioner, Office of Inspection

and Control, U.S. Customs Service:

Michael H. Lane, Assistant Commissioner, Office of Commercial Operations, U.S. Customs Service:

James W. Shaver, Assistant Commissioner, Office of International Affairs, U.S. Customs Service;

D. Lynn Gordon, Acting Comptroller, U.S. Customs Service; Jerry L. Padalino, Director, Office of Human Resources, U.S.

Customs Service; William J. Griffin, Regional Commissioner, Northeast Region, U.S. Customs Service;

James R. Grimes, Regional Commissioner, South Central Region, U.S. Customs Service:

Donald F. Kelly, Regional Commissioner, New York Region, U.S. Customs Service;

Edward F. Kwas, Regional Commissioner, Southeast Region, U.S. Customs Service;

William Logan, Regional Commissioner, Southwest Region, U.S. Customs Service;

Richard McMullen, Regional Commissioner, North Central Region, U.S. Customs Service; and

Quintin L. Villanueva, Jr., Regional Commissioner, Pacific Region, U.S. Customs Service.

Dated: May 9, 1986.

WILLIAM VON RAAB. Commissioner of Customs.

[Published in the Federal Register, May 15, 1986 (51 FR 17849)]

#### 19 CFR Part 175

Receipt of Domestic Interested Party Petition Concerning Eligibility of Mexican Inner Tubes for GSP Duty-Free Treatment

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of receipt of domestic interested party petition; solicitation of comments.

SUMMARY: Customs has received a petition submitted on behalf of several domestic interested parties with respect to a Customs ruling that certain inner tubes imported from Mexico would be eligible for duty-free treatment under the Generalized System of Preferences (GSP). The petitioner contends that the inner tubes do not qualify for GSP duty-free treatment because the threshold Customs determination that the imported material from which the inner tubes are produced undergoes a substantial transformation into a separate and distinct article of commerce which, in turn, is used as a constituent material in producing the final article which is imported into the U.S., is incorrect. The petitioner believes that duty should be assessed on the inner tubes under the appropriate provision of the Tariff Schedules of the United States. This document invites comments with respect to the correctness of the determination of GSP-eligibility.

DATE: Comments must be received on or before July 14, 1986.

ADDRESS: Comments (preferably in triplicate) may be addressed to and inspected at the Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229 (202-566-8237).

FOR FURTHER INFORMATION CONTACT: Myles B. Harmon, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-2938).

SUPPLEMENTARY INFORMATION:

#### BACKGROUND

Pursuant to §516, Tariff Act of 1930, as amended (19 U.S.C. 1516), a domestic interested party petition has been filed with respect to a decision in which Customs ruled that certain inner tubes imported from Mexico would be eligible for duty-free treatment under the Generalized System of Preferences (GSP).

Under the GSP program established pursuant to title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.), certain articles imported directly from a beneficiary developing country (BDC) may be eligible for duty-free treatment if considered the growth, product, manufacture or assembly of the BDC, and if the sum of the cost or value of materials of the BDC, plus the direct costs of processing performed in the BDC, is not less than 35 percent of the appraised value of the article at the time of its entry into the U.S. The GSP program is implemented by §§ 10.171-10.178, Customs Regulations (19 CFR 10.171-10.178). Pursuant to § 10.177(a)(2), Customs Regulations (19 CFR 10.177(a)(2)), materials of which a GSP-eligible article is comprised, if not wholly the growth, product, or manufacture of a BDC, must be substantially transformed in the BDC into a new and different article of commerce in order for those materials to be considered to be produced in the BDC so that their cost or value may be counted toward the 35 percent value-content requirement. In other words, for the cost of materials from a non-BDC to be counted toward the 35 percent value-content requirement, the materials first must be substantially transformed into a new and different intermediate article of commerce and then must be used in the production of a new and different final article of commerce which is imported into the U.S.

On August 8, 1984, Customs issued ruling 071703 (C.S.D. 85-12, 19 Cust. B. and Dec. No. 7 at 22, February 13, 1985), which stated that when finished vulcanized rubber tubes were produced in

Mexico, a BDC, from material known as masterbatch which was imported from a non-BDC, there was a substantial transformation of the masterbatch into a new and different intermediate article of commerce, unvulcanized tubes. Therefore, the cost or value of the masterbatch could be counted toward the GSP 35 percent valueadded requirement when the final product, finished vulcanized rubber tubes, were imported into the U.S. The conclusion that the unvulcanized tubes were a separate and distinct article of commerce from the masterbatch and from the finished vulcanized rubber tubes was based upon review of the Explanatory Notes to the international Customs Cooperation Council Nomenclature (CCCN) and the future international Harmonized System (HS) of tariff classification. Because Customs determined that the unvulcanized tubes were separate and distinct articles of commerce, the value of the masterbatch was permitted to be counted toward the 35 percent value-added requirement. Accordingly, the inner tubes imported from Mexico would be eligible for duty-free treatment under the GSP.

On December 24, 1985, a petition was submitted on behalf of several domestic interested parties who are manufacturers and producers in the U.S. of a class or kind of merchandise similar to the merchandise which is imported from Mexico. The petitioner claims that the processing in Mexico of masterbatch material imported from a non-BDC into finished inner tubes does not involve the production of a new and different intermediate article of commerce before the final article is produced. Uncured or unvulcanized tubing is not an intermediate constituent material, as Customs ruled, because it has no practical commercial viability. Trade in unvulcanized tubing suitable for making inner tubes is not possible as the short shelf-life of the tubing does not permit maintenance of commercial inventories.

The petitioner also contends that the international classification provisions relied upon in Customs decision do not support the conclusion reached inasmuch as the Explanatory Note to the CCNN referenced in the decision is concerned with a different product than tubing used in the manufacture of inner tubes.

For these reasons, the petitioner believes that the requirement in § 10.177(a)(2), Customs Regulations, is not satisfied and the cost or value of the masterbatch, imported to Mexico from a non-BDC, may not be counted toward the GSP value-content requirement.

#### COMMENTS

Pursuant to § 175.21(a), Customs Regulations (19 CFR 175.21(a)), before making a determination on this matter, Customs invites written comments from interested parties on this issue. The domestic interested party petition, as well as all comments received in response to this notice, will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4,

Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Customs Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

#### AUTHORITY

This notice is published in accordance with § 175.21(a), Customs Regulations (19 CFR 175.21(a)).

#### DRAFTING INFORMATION

The principal author of this document was Harold M. Singer, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

WILLIAM VON RAAB.

Commissioner of Customs.

Approved: April 30, 1986.
Francis A. Keating II,
Assistant Secretary of the Treasury.

[Published in the Federal Register, May 15, 1986 (51 FR 17746)]



#### NOTICE

The Procedural Handbook of the United States Court of International Trade, prepared by the staff of the Office of the Clerk, is now available. The Handbook provides basic information for the practitioner in processing actions under the court's Rules. It is intended to serve solely as a convenient guide and reference source, which consolidates and summarizes various procedures before the court.

The cost of the Handbook is \$10.00. If you are interested in receiving a copy of the Handbook, please fill out the form

below and return to:

Procedural Handbook Office of the Clerk United States Court of International Trade One Federal Plaza New York, NY 10007.

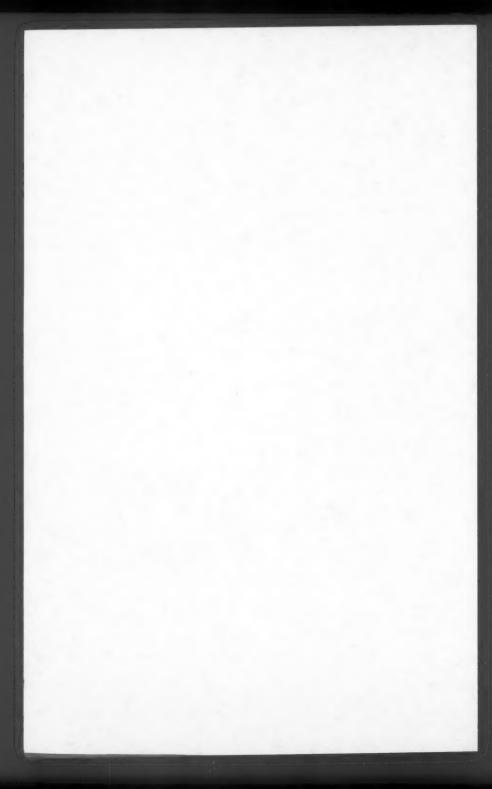
#### ORDER FORM

Enclosed is \$\_\_\_\_(check or money order) made payable to Clerk, United States Court of International Trade for\_\_\_ copy or copies of the Procedural Handbook.

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## U.S. Customs Service

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## DEPARTMENT OF THE TREASURY U.S. CUSTOMS SERVICE WASHINGTON. D.C. 20229

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